

REMARKS

Reconsideration of this application is respectfully requested.

Claims 1-59 have been presented for examination. The Examiner required restriction of these claims by dividing the claims into the following 11 groups:

Group I, claims 1-14 and 19-22, drawn to an isolated or purified nucleic acid;

Group II, claims 15-18, 53, and 54, drawn to an isolated or purified polypeptide;

Group III, claims 23-27, 29, 30, 40-42, and 57, drawn to a method for discriminatory detection;

Group IV, claim 28, drawn to a kit for discriminatory detection;

Group V, claims 31, 34, 35, and 37-39 drawn to a product of expression;

Group VI, claims 32, 33, 36, and 43 drawn to a method for discriminatory detection of antibodies;

Group VII, claims 44-50 and 55, drawn to an *in vitro* method for detection and identification;

Group VIII, claims 51 and 52, drawn to a kit for detection and identification;

Group IX, claims 56, drawn to a nucleic acid;

Group X, claim 58, drawn to a polynucleotide reagent; and

Group XI, claim 59, drawn to a polypeptide reagent.

Applicant elects the claims of Group I, claims 1-14 and 19-22, with traverse. Claims 1-14 and 19-22 are readable on the elected inventions. Applicant respectfully traverses the restriction requirement since all the pending claims are linked by a single inventive concept.

The Examiner's objection is based on a packaged product comprising random primers of 24 nucleotides. The Examiner concludes that this product inherently comprises a nucleic acid that hybridizes to SEQ ID NO: 1 under stringent conditions. Applicant courteously disagrees.


The fact that a primer is said to be universal does not allow one to conclude that it hybridizes to any sequence under stringent conditions. Furthermore, since the primer is degenerate, all the sequences comprised in the product do not hybridize to the sequence SEQ ID NO:1. It would not have been obvious for someone skilled in the art, who did not know SEQ ID NO:1, to isolate and to identify the sequence, which hybridizes to SEQ ID NO:1 under stringent conditions. Accordingly, since there is no basis for the restriction requirement, Applicant respectfully requests that it be reconsidered and withdrawn.

If there is any fee due in connection with the filing of this Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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